

AMENDMENT AND RESPONSE

PAGE 10

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Serial No.: 10/661,937

Filing Date: 9/12/2003

Attorney Docket No. 200208963-1

AUG 01 2006

Title: AN ASSISTED MEMORY DEVICE

REMARKS

The Office Action mailed on May 15, 2006 as well as the art cited has been reviewed. Claims have 2, 10, 17, 24, and 25-33 have been canceled; as result, claims 1, 3-9, 11-16, and 18-23 are now pending in this application.

Affirmation of Election

Applicants hereby affirm the provisional election of Group 1 (Claims 1-24) without traverse.

The claims of the non-elected invention, claims 25-33, are hereby canceled without prejudice or disclaimer. However, Applicant reserves the right to later file continuations or divisionals having claims directed to the non-elected inventions.

Specification

The title of the present application was objected to because it was considered to be so broad as to not provide any description of the inventive concept to which the claims are directed.

The title of the present application has been amended to address this objection. Accordingly, it is respectfully requested that this objection be withdrawn.

Claim Objections

Claims 1-2, 7-10, 16-18 and 20-24 were objected to because of informalities.

Specifically, claim 1 was objected to because it recites "A device" in the preamble. The Examiner noted that 37 CFR § 1.75 states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery. The Examiner then concluded that "A method does not indicate what a [sic] subject matter the claims are direct to."

Applicants respectfully traverse this objection. Applicants respectfully submit that claim 1, as a whole, particularly points out and distinctly claims the subject matter which the Applicants regard as their invention or discovery. It is respectfully submitted that 37 CFR § 1.75

AMENDMENT AND RESPONSE

PAGE 11

Serial No.: 10/661,937

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contains no requirement that preamble by itself (as opposed to the claim) be "clearly indicative of the invention."

In sub-section a) through sub-section n) of Section 3 of the Office Action, the Examiner objected to the use of the phrases "are to be read", "is to be read", "to be written", "to be read", and "to be performed" in the objected-to claims noted above. However, the Examiner failed to provide any basis for why the proposed changes should be made. Applicants respectfully submit that the claims, as originally presented, particularly point out and distinctly claim the subject matter which the Applicants regard as their invention or discovery.

Also, in order to expedite prosecution, claims 2, 10, 17, and 24 have been cancelled.

Accordingly, it is respectfully requested that these objections be withdrawn.

Rejections Under 35 U.S.C. § 112

Claim 2 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner took the position that the recitation of "the single unit" in lines 4 and 5 of claim 2 does not have a clear antecedent basis.

In order to expedite prosecution, claim 1 has been amended to recite the language of original claim 2 and claim 2 has been cancelled.

Moreover, Applicants respectfully traverse this rejection to the extent that such rejection applies to amended claim 1. The antecedent basis for the quoted language – "the single unit" – is found in line 1 of original claim 2 (that is, "2. The device of claim 1, wherein when a single unit of data . . ."). Such language is also recited in amended claim 1.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-24 were rejected under 35 USC § 102(a) as being anticipated by Jeddeloh, (U.S. Patent No. 6,076,182). Applicants respectfully traverse this rejection.

AMENDMENT AND RESPONSE

PAGE 12

Serial No.: 10/661,937

Filing Date: 9/12/2003

Attorney Docket No. 200208963-1

Title: AN ASSISTED MEMORY DEVICE

It is respectfully submitted that the Office Action fails to set forth a prima facie case of anticipation under 35 USC § 102. In particular, the Office Action fails to explain how each and every feature recited in the rejected claims is taught by Jeddloh. For example, in rejecting claim 1, the Office Action paraphrases language from Jeddloh but fails to explain how the paraphrased language teaches the features recited in claim 1.

However, in order to expedite prosecution, Applicants have amended claim 1 of the present application to recite the language previously set forth in original claim 2 (that is, "wherein when a single unit of data is to be read from the device for the address, the codeword stored in a location associated with the address is fetched from the memory array, the error code correction module decodes the codeword and corrects any errors in the data block for that codeword, and the single unit of data to be read for the address is read from the corrected data block"). It is respectfully submitted that Jeddloh fails to teach or suggest the features recited in amended claim 1.

It is noted that the Examiner appears to have taken the position, in connection with claim 1, that the reading of each individual data word as described in Jeddloh involves the reading of multiple units of data. However, in rejecting original claim 2, the Examiner appears to have taken the position that the same act of reading of each individual data word as described in Jeddloh involves the reading of a single unit of data. It is respectfully submitted that such positions are contradictory and the Office Action contains no explanation as to how such contradictory positions can be reconciled consistent with the language of claim 2.

Claims 3-7 ultimately depend from claim 1 and, therefore, are patentable for at least the reasons set forth above with respect to claim 1.

Applicants respectfully submit that the arguments set forth above with respect to claim 1 apply to independent claims 8, 16, and 22, which have been similarly amended in order to expedite prosecution. Moreover claims 9 and 11-15 ultimately depend from claim 8, claims 18-21 ultimately depend from claim 16, and claim 23 depends from claim 22. As such, dependent claims 9, 11-15, 18-21, and 23 are patentable for at least the reasons set forth above with respect to claims 8, 16, and 22, respectively.

AMENDMENT AND RESPONSE

PAGE 13

Serial No.: 10/661,937

Filing Date: 9/12/2003

Attorney Docket No. 200208963-1

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AMENDMENT AND RESPONSE

Serial No.: 10/661,937

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PAGE 14

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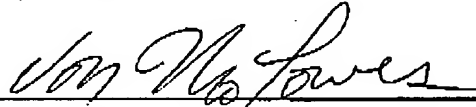
AUG 01 2006

CONCLUSION

Applicant respectfully submits that claims 1, 3-9, 11-16, and 18-23 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 08-2025.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at 612.455.1681.

Respectfully submitted,

Date: 8/1/2006
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